

The Georgia Board of Nursing met March 19-20, 2014 in Building B of the Professional Licensing Boards Division of the Secretary of State located at 237 Coliseum Drive, Macon, Georgia 31217.

### **WEDNESDAY, MARCH 19, 2014**

#### **MEMBERS PRESENT**

Barry Cranfill, RN, CRNA, MHS, MBA, FAAPM, President  
Brenda Rowe, JD, MN, RN  
Ashley Barnett, Consumer  
Nancy Barton, MSN, RN  
Tammy Burdeaux, RN, BSN, CRNI  
Katherine Mann, RN, CRNA

#### **STAFF PRESENT**

James Cleghorn, Executive Director  
Amelia Baker, JD, Assistant Attorney General  
Adrienne Price, RN, MSN, Nursing Consultant - Legal/Discipline  
Patricia McAfee, RN, MSN, Nursing Consultant - Legal/Discipline

#### **PERSONAL APPEARANCES**

KE-RNI070227

Cranfill called the meeting to order at 10:15 a.m. on Wednesday, March 19, 2014. A quorum to conduct disciplinary matters was present.

#### **RENEWAL/BUDGET DISCUSSION**

The Board welcomed Lisa Durden, Division Director of the Professional Licensing Boards Division and Ryan Germany, General Counsel to the Office of the Secretary of State. A discussion was held regarding the 2014 renewal process and the licenses that were lapsed due to a technological error by the Office of the Secretary of State. Mr. Germany stated that the Office of the Secretary of State felt that it was an unacceptable mistake caused by a clerical error. Members of the Board questioned Mr. Germany about whether or not a formal statement had been provided by the Office of the Secretary of State which provided detailed information regarding the error and the process by which the mistake was corrected. Ms. Durden stated that a response was provided to the Georgia Nurses Association explaining that staff had corrected all known issues and encouraging hospitals and licensees to contact the Professional Licensing Boards Division regarding any other issues. Rowe discussed the embarrassment of the Board caused by the error. Rowe stated that she was most concerned with the professional and financial issues that impacted licensees due to the incorrectly lapsed licenses. Members of the Board discussed the ineffectiveness of the PLB Call Center when licensees were seeking information regarding the lapsed licenses or attempting to correct the issue. Cranfill offered space in the summer issue of The Georgian Nurse for Secretary Kemp to provide information to licensees regarding the incorrectly lapsed licenses.

Cranfill discussed frustrations with the PLB Call Center and mailroom. Members of the Board noted that frequently, licensees are provided incorrect information from call center agents. Additionally, Board members noted that information submitted by fax, mail and email is often not received by staff members assigned to the Board. This is extremely problematic when applicants and licensees are able to provide documentation (certified mail receipts, fax and email confirmations, etc.) which show that the information was delivered to the PLB mailroom. Ms. Durden provided information regarding recent staff additions to the PLB Call Center. Rowe inquired about the possibility of having call center staff dedicated to the Georgia Board of Nursing. Mr. Germany stated that he would follow up on that issue with the Call Center Manager.

Burdeaux inquired if the Board would be provided with detailed information regarding the total number of nurses that were impacted by the error. Mr. Germany stated that he felt that the information could be provided to the Board. Cranfill recommended that the data points include the number of licensees that were lapsed in error and also the length of time that their license was lapsed. Cranfill discussed the budget for fiscal year 2015. Cranfill directed Board members to the budget tracking sheet from the Budget Conference Committee. Mr. Germany stated that the language passed by the Legislature allowed for the implementation of HB 315

(Mandatory Reporting) and to cover the operating expenses of the Professional Licensing Boards Division. Board members were unable to identify language in the budget bill that provided for the use of the funds for operating expenses.

Rowe discussed the nursing education consultant position and offered to meet with Secretary Kemp to review the salary requirements for the position. Board members discussed the low pass rates by some of the Board approved programs and the need to have a qualified nursing education consultant in place as soon as possible.

Cranfill discussed the work associated with the combination of the Georgia Board of Nursing and the Georgia Board of Examiners of Licensed Practical Nurses. The Board discussed the resources needed for continuing education, mandatory reporting and the combination of the boards. Board members reiterated to Mr. Germany that the money appropriated by the General Assembly for the implementation of House Bill 315 was intended to be used solely for the Georgia Board of Nursing and was not meant for the operating expenses of the Professional Licensing Boards Division.

Rowe inquired about the \$3,000,000 bond that was provided to the Office of the Secretary of State by the General Assembly. Mr. Germany acknowledged that a bond did exist but stated that he was unaware of the amount of the bond. Rowe inquired whether or not the bond would be used to purchase a new licensure system for the Professional Licensing Boards Division. Mr. Germany stated that the Professional Licensing Boards Division was still reviewing its technology needs.

## **EXECUTIVE SESSION**

Mann moved, Barnett seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §§ 43-1-2(k); 43-1-19(h), 43-26-5(c) and 43-26-11, to deliberate on applications and enforcement matters and to receive information on applications, investigative reports and pending cases. The motion passed unanimously.

At the conclusion of the Executive Session on Wednesday, March 19, 2014, Cranfill declared the meeting to be "open" pursuant to the Open and Public Meeting Act, O.C.G.A. §§ 50-14-1 et seq. No votes were taken during executive session.

## **APPLICATION REVIEWS AND APPROVAL OF LICENSURE**

(RNI – Registered Nurse Investigative Case Number)

**Applicant A.P., #1852581** – Mann moved to write applicant to have an outpatient MPE as a condition of the Board's consideration of the reinstatement application. Results are to be reviewed by the Cognizant Board member and the Legal/Discipline Nurse Consultant. If warranted, refer to Legal Services or Attorney General's office for a hearing or consent order utilizing evaluation results and/or recommendations. If not warranted, close the case. Rowe seconded the motion and it carried unanimously.

**Applicant L.S., #2322988** – Rowe moved to write applicant to have an outpatient MPE as a condition of the Board's consideration of the reinstatement application. Results are to be reviewed by the Cognizant Board member and the Legal/Discipline Nurse Consultant. If warranted, refer to Legal Services or Attorney General's office for a hearing or consent order utilizing evaluation results and/or recommendations. If not warranted, close the case. Burdeaux seconded the motion and it carried unanimously.

**Applicant J.N., #2092016** – Mann moved to approve reentry proposal. Rowe seconded the motion and it carried unanimously.

**Applicant F.B., #2304910** – Barton moved to refer to the Attorney General's office for a hearing or to Legal Services for a public consent agreement for licensure to include reentry and mirroring the terms of the Alabama Board of Nursing consent order. Rowe seconded the motion and it carried unanimously.

**Applicant L.C., #2288247** – Mann moved to write applicant to have an outpatient MPE as a condition of the Board's consideration of the reinstatement application. Results are to be reviewed by the Cognizant Board member and the Legal/Discipline Nurse Consultant. If warranted, refer to Legal Services or Attorney General's office for a hearing or consent order utilizing evaluation results and/or recommendations. If not warranted, close the case. Burdeaux seconded the motion and it carried unanimously.

**Applicant D.F., #2092401** – Mann moved to proceed with licensure by endorsement with a Letter of Concern re: Drugs. Barnett seconded the motion and it carried unanimously.

**Applicant E.D., #2301754** – Barton moved to allow applicant to wait until the completion of the Tennessee Board of Nursing consent order and be licensed with a Letter of Concern re: Action in Another Jurisdiction or to proceed with licensure now with a public

consent agreement mirroring the terms of the Tennessee Board of Nursing consent order. Barnett seconded the motion and it carried with Rowe abstaining.

**Applicant A.M., #1266913** – Barnett moved to release applicant's ability to test in another jurisdiction. Mann seconded the motion and it carried unanimously.

#### **ATTORNEY GENERAL'S OFFICE**

(RNI – Registered Nurse Investigative Case Number)

**RNI128893** – Barton moved to close the case. Rowe seconded the motion and it carried unanimously.

**RNI120704** – Rowe moved to accept the order as presented. Mann seconded the motion and it carried unanimously.

**RNI120394** – Barton moved to close the case. Barnett seconded the motion and it carried unanimously.

**RNI130143** – Mann moved to approve request to place license on inactive status. If the respondent attempts to reinstate his license, an outpatient MPE will be required. Barton seconded the motion and it carried unanimously.

**RNI1140176** – Barton moved to refer to the Attorney General's office for a hearing or a public consent order to include one (1) year probation and quarterly reports (employer and personal) to include results of any drug screens performed by the employer. Barton seconded the motion and it carried unanimously.

**RNI120641/ RNI140041** – Rowe moved to rescind the previous motion from the November 13-14, 2013 board meeting and refer to the Attorney General's office for a hearing or public consent order to include four (4) years probation, substance abuse stipulations, two (2) years narcotic restrictions, and quarterly reports (employer, aftercare, personal and psychotherapy) with two drug screens monthly for the first year and quarterly thereafter. The respondent may continue employment with current employer and may petition to lift narcotic restrictions after twelve (12) months continuous documented sobriety/compliance. Barton seconded the motion and it carried unanimously.

**RNI120684** – Burdeaux moved to rescind the previous motion from the November 13-14, 2013 board meeting and refer to the Attorney General's office for a hearing or to Legal Services for a private consent order to include two (2) years probation, quarterly reports (employer and personal) and courses in Medication Administration and Narcotic Administration. Rowe seconded the motion and it carried with Cranfill abstaining.

#### **RENEWAL DISCUSSION**

Lisa Durden, Division Director of the Professional Licensing Boards Division and Ryan Germany, General Counsel to the Office of the Secretary of State appeared before the Board to address additional concerns regarding the 2014 renewal issues. Cranfill stated that it had come to his attention that licenses had been renewed without the statutorily required citizenship documentation. Amelia Baker, Assistant Attorney General and legal counsel to the Board stated that the law required each applicant for renewal to submit an affidavit of citizenship and secure and verifiable document of citizenship. Board members expressed extreme concern that the Board may be out of compliance with Georgia law because of the actions of the Office of the Secretary of State. Additionally, Board members expressed concern that information was not immediately provided to the Board regarding the error and the lack of compliance with Georgia law.

Mr. Germany stated that when the law requiring citizenship documentation was initially passed by the General Assembly, the Office of the Secretary of State was the only agency that took steps to comply. Mr. Germany stated that there was no guidance or resources provided for compliance with the law. Mr. Germany stated that numerous conversations occurred between the Office of the Secretary of State and the Attorney General's office regarding compliance with the law and stated that the definition of the term "affidavit" was not included in the law. Mr. Germany stated that the Office of the Secretary of State concluded that, based on the Electronic Records Act, licensees could submit signed, sworn documents online. Based on that interpretation, Mr. Germany stated that the Office of the Secretary of State felt that the submission of the affidavit via the language in the online renewal application was the best way to comply with the law. Mr. Germany stated that approximately one year later, through informal conversations with the Attorney General's office, the Office of the Secretary of State changed its interpretation of the term "affidavit" to require a hard copy affidavit with every application for licensure or renewal. That process began in June 2013. Mr. Germany noted that the problem was identified with licensees who had complied with the law as it was interpreted prior to June 2013. Mr. Germany noted that the Office of the Secretary of State would have preferred that the General Assembly adopt changes to the law that were proposed during the 2013

legislative session. The Professional Licensing Boards Division is now dealing with licensees who were licensed in good faith based on the Office of the Secretary of State's interpretation of the term "affidavit" prior to June 2013. The Office of the Secretary of State recognizes that a problem exists and has discussed the problem with the Attorney General's office. Based on information from the Attorney General's office, the Professional Licensing Boards Division will be required to obtain hard copy affidavits from every licensee. Cranfill questioned why the licensure status was changed from "Lapsed" to "Active" without first obtaining the affidavit of citizenship as required by Georgia law. Mr. Germany stated that it was clear that the Office of the Secretary of State would have preferred to take that course of action but that it would have required updates to the current licensure database. Mr. Germany reiterated his opinion that the electronic affidavit was sufficient to meet the requirements of the law and that the Professional Licensing Boards Division would not "unlicense" someone because of the error.

Barton questioned why the licensure status was not changed from "Lapsed" to "Active-Renewal Pending" until the licensees provided the required information. Barton stated that it appeared that the law had been applied inconsistently to licensees. Cranfill stated that if the Board had been provided with the full information when the problem was identified that licensees with incomplete renewals would have been returned to a licensure status of "Active-Renewal Pending" until the notarized affidavit of citizenship was received. Cranfill stated that the Office of the Secretary of State had now "signed off" on licensure renewals that were completed incorrectly and out of compliance with Georgia law. Cranfill stated that the Board should have been provided with the full truth from the onset of the problem. Mr. Germany stated that he was unaware that it would be an issue. Cranfill reiterated that the Board would have most definitely taken a different course of action had the full information been provided when the problem was identified. Cranfill pointed out that the Office of the Secretary of State is not provided with the statutory power to make licensure decisions.

Cranfill inquired about the action that would be taken by the Office of the Secretary of State to obtain the affidavits of citizenship from the licensees. Mr. Germany stated that the Office of the Secretary of State believed that the affidavits should be obtained as soon as possible. Cranfill inquired as to what course of action would be taken in the future for licensees who did not have the required affidavit of citizenship. Mr. Germany stated that the licensure status would remain "Active-Renewal Pending" until the required documentation was submitted.

Rowe stated that she hoped that the Office of the Secretary of State understood the position in which the Board had been placed by the actions of the Secretary of State. Board members discussed the impact that the issue would have on the credibility of the Board. Board members noted that trying to obtain the affidavits from licensees post renewal would be much more difficult.

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At the conclusion of the Executive Session on Wednesday, March 19, 2014, Cranfill declared the meeting to be "open" pursuant to the Open and Public Meeting Act, O.C.G.A. §§ 50-14-1 et seq. No votes were taken during executive session.

### **BUDGET DISCUSSION**

Cranfill discussed a request from the Atlanta Journal-Constitution for information regarding the PLB Budget and the Legislature's appropriation of funds for HB 315 (mandatory reporting). Cranfill noted that the Board was very happy that the General Assembly passed a budget that included funding for the implementation of mandatory reporting. Cranfill noted that it was unclear, based on conversations with representatives from the Office of the Secretary of State (Ryan Germany and Lisa Durden), whether or not the full amount appropriated by the General Assembly would be used for HB 315. Cranfill referenced earlier conversations with representatives from the Office of the Secretary of State where the Board was told that the Secretary of State may utilize some of the funds to fill gaps in the Professional Licensing Boards budget rather than utilizing the full amount for the implementation of HB 315.

### **EXECUTIVE SESSION**

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At the conclusion of the Executive Session on Wednesday, March 19, 2014, Cranfill declared the meeting to be "open" pursuant to the Open and Public Meeting Act, O.C.G.A. §§ 50-14-1 et seq. No votes were taken during executive session.

### **PERSONAL APPEARANCES**

(RNI=Registered Nurse Investigative Case Number)

**RNI070227** – Rowe moved to rescind the previous motion from the November 13-14, 2013 board meeting and request statement regarding status of treatment and confirmation of ability to practice with reasonable skill and safety from provider within ten (10) days. Barton seconded the motion and it carried unanimously.

### **INVESTIGATIVE INTERVIEWS**

(RNI=Registered Nurse Investigative Case Number)

**RNI100110/ RNI130535** – Burdeaux moved to uphold the previous motion from the September 18-19, 2013 board meeting. Mann seconded the motion and it carried unanimously.

**RNI140178** – Burdeaux moved to rescind the previous motion from the January 14-15, 2014 board meeting board meeting and refer to Legal Services for a mitigating letter to require the licensee to complete courses in Professional Accountability and Ethics. If the courses are completed within thirty (30) days, close the case with a Letter of Concern. Rowe seconded the motion and it carried unanimously.

**RNI130107** – Burdeaux moved to uphold the previous motion from the January 14-15, 2014 board meeting board meeting. Barton seconded the motion and it carried unanimously.

### **INVESTIGATIONS**

(RNI=Registered Nurse Investigative Case Number)

**RNI130521** – Burdeaux moved to close the case. Barton seconded the motion and it carried unanimously.

**RNI140271** – Burdeaux moved to refer to the Attorney General's office for revocation based on violation of consent order. Barnett seconded the motion and it carried unanimously.

### **LEGAL SERVICES**

(RNI=Registered Nurse Investigative Case Number)

**RNI140510** – Rowe moved to rescind the previous motion and close the case. Mann seconded the motion and it carried unanimously.

**RNI120524** – Barnett moved to rescind the previous motion from the September 18-19, 2013 board meeting and refer to the Attorney General's office for a hearing or to Legal Services for a private consent order to include a fine of \$500 for failure to disclose and courses in Medication Errors, Documentation and Professional Accountability. Barton seconded the motion and it carried unanimously.

**RNI120654** – Rowe moved to rescind the previous motion and refer to the Attorney General's office for a hearing or to Legal Services for a private consent order to include courses in Obstetrics Assessment, Maternal Complications, Assessment in Lab Values and Professional Accountability. Mann seconded the motion and it carried unanimously.

**RNI120438** – Rowe moved to request the respondent's counsel to submit treatment records to the Board for evaluation. Barton seconded the motion and it carried unanimously.

**RNI120159** – Rowe moved to refer to the Attorney General's office for a hearing. Burdeaux seconded the motion and it carried unanimously.

**RNI130085** – Barton moved to refer to Legal Services for a mitigating letter to require the licensee to complete courses in Developmental Milestones of Newborns, Preparation for Office Vital Signs and Review of Patient's History. If the courses are completed within thirty (30) days, close the case with a Letter of Concern. Mann seconded the motion and it carried unanimously.

**RNI130054** – Barnett moved to rescind the previous motion and refer to the Attorney General's office for a hearing or to Legal Services for a private consent order to include a fine of \$500 based on unauthorized practice and courses in Professional Accountability, Georgia Nurse Practice Act, Ethics and Medication Administration. Barton seconded the motion and it carried unanimously.

**RNI120207** – Barnett moved to uphold the previous motion. Mann seconded the motion and it carried unanimously.

**RNI140040** – Barnett moved to uphold the previous motion. Burdeaux seconded the motion and it carried unanimously.

**RNI130027** – Rowe moved to refer to the Attorney General's office for a hearing. Barton seconded the motion and it carried unanimously.

#### **2014-2016 LICENSE RENEWAL APPLICATION REVIEW**

(RNI=Registered Nurse Investigative Case Number)

**RNI140505** – Barnett moved to close the case. Barton seconded the motion and it carried unanimously.

**RNI140451** – Mann moved to close the case with a Letter of Concern re: Action in Another Jurisdiction. Burdeaux seconded the motion and it carried unanimously.

#### **VIOLATION OF CONSENT ORDER**

(RNI – Registered Nurse Investigative Case Number)

**RNI140284** – Barnett moved to refer to the Attorney General's office for a hearing or a public consent order to include three (3) months suspension, four (4) years probation, substance abuse stipulations, two (2) years narcotic restrictions, and quarterly reports (employer, aftercare and personal). Rowe seconded the motion and it carried unanimously.

**RNI130281** – Barnett moved to refer to the Attorney General's office for an indefinite suspension if the fine is not paid within thirty (30) days. Mann seconded the motion and it carried unanimously.

#### **REQUEST TO LIFT 12 STEP COMPONENT**

(RNI – Registered Nurse Investigative Case Number)

**RNI090501** – Burdeaux moved to deny request and refer to Legal Services for an amended consent order to include a fine of \$500 for failure to comply with previous order. Probation time period will start over with no credit given for previous order. Barton seconded the motion and it carried unanimously.

#### **REQUEST TO LIFT SUSPENSION**

(RNI – Registered Nurse Investigative Case Number)

**RNI120112** – Barton moved to refer to the Attorney General's office for a hearing or to Legal Services for a public consent order to lift suspension to include four (4) years probation, substance abuse stipulations, quarterly reports (employer, personal and collaborating physician), suspension of prescriptive authority, a three (3) hour CME course in Controlled Substances and enrollment in a prescription drug monitoring program. Mann seconded the motion and it carried unanimously.

#### **REQUEST FOR EARLY TERMINATION**

(RNI – Registered Nurse Investigative Case Number)

**RNI100306** – Barnett moved to terminate probation. Burdeaux seconded the motion and it carried unanimously.

#### **MENTAL PHYSICAL EXAMINATION RESULTS**

(RNI – Registered Nurse Investigative Case Number)

**RNI110813/RNI140111** – Barnett moved to refer to Legal Services for a mitigating letter to require the licensee to complete courses in Medication Administration and Documentation. If the courses are completed within thirty (30) days, close the case with a Letter of Concern. Rowe seconded the motion and it carried unanimously.

**RNI110814** – Rowe moved to require the respondent to submit documentation of six (6) months of sobriety and refer to the Attorney General's office for a hearing or a public consent order to include four (4) years probation, substance abuse stipulations, two (2) years narcotic restrictions, quarterly reports (employer, aftercare, personal and psychotherapy) and a fine of \$500 for diversion. Mann seconded the motion and it carried unanimously.

#### **COMPLAINT INVESTIGATION REVIEW**

(RNI – Registered Nurse Investigative Case Number)

**RNI140400** – Barnett moved to refer to the Attorney General's office for a hearing or to Legal Services for a private consent order to include four (4) years probation, substance abuse stipulations and quarterly reports (employer, aftercare and personal). Barton seconded the motion and it carried unanimously.

#### **VIOLATION OF CONSENT ORDER**

(RNI – Registered Nurse Investigative Case Number)

**RNI090437** – Barton moved to close the case due to lapsed license and flag for MPE if the respondent attempts to reinstate. Mann seconded the motion and it carried unanimously.

**RNI070170** – Barnett moved to refer to the Attorney General's office for an indefinite suspension. Mann seconded the motion and it carried unanimously.

**RNI110905** – Mann moved to refer to the Attorney General's office for an indefinite suspension. Rowe seconded the motion and it carried unanimously.

#### **MENTAL PHYSICAL EXAMINATION RESULTS**

(RNI – Registered Nurse Investigative Case Number)

**RNI120042** – Burdeaux moved to refer to the Attorney General's office for a hearing or private consent order to include two (2) years probation, ASAM Level I Outpatient Group Therapy for one (1) year, random urine drug screens and hair tests for THC for one (1) year. Mann seconded the motion and it carried unanimously.

#### **EDUCATIONAL COGNIZANT NONTRADITIONAL APPLICATION REPORT**

(RNI=Registered Nurse Investigative Case Number)

Mann moved to ratify the Cognizants' recommendations for the following applicants for licensure.

	RECOMMENDATION FOR BOARD ACTION
App. #1753684	Issue license.

Burdeaux seconded the motion and it carried unanimously.

#### **APPLICATION REVIEWS AND APPROVAL OF LICENSURE**

(RNI – Registered Nurse Investigative Case Number)

Barton moved to ratify the Private Consent Agreements for unlicensed/unauthorized practice that were issued according to the Board's policies.

**APP#2284941   APP#2310379   APP#2319485/2319487   APP#2391259**

Burdeaux seconded the motion and it carried unanimously.

#### **LEGAL/DISCIPLINE COGNIZANT FAILURE TO DISCLOSE CASES REPORT**

(RNI=Registered Nurse Investigative Case Number)

Burdeaux moved to ratify the Private Consent Agreements for licensure with a fine of \$500 for failure to disclose arrest(s)/disciplinary action on applications that were issued according to the Board's policies.

**APP#2313344/2313345   APP#2313276   APP#2310364   APP#2322860   APP#2319608**

Barton seconded the motion and it carried unanimously.

### **REQUEST TO LIFT NARCOTIC RESTRICTIONS**

(RNI=Registered Nurse Investigative Case Number)

Mann moved to accept the following recommendations for the cases listed below:

	RECOMMENDED ACTION
<b>RNI120400</b>	Lift narcotic restrictions.
<b>RNI110623</b>	Lift narcotic restrictions.
<b>RNI110426</b>	Lift narcotic restrictions.
<b>RNI100456</b>	Lift narcotic restrictions.
<b>RNI111115</b>	Lift narcotic restrictions.
<b>RNI120535</b>	Lift narcotic restrictions.
<b>RNI120208</b>	Lift narcotic restrictions.

Barnett seconded the motion and it carried unanimously.

### **ORDER TERMINATIONS BETWEEN MEETINGS**

(RNI=Registered Nurse Investigative Case Number)

Rowe moved to accept the following terminations of probation between meetings.

**Woodie, Angela Susan Dodgen  
Bell, Kathy Elaine**

**Freeman, Mary Kim  
RNI130530**

**Strickland, Shana Michelle**

**Nichols, Mary M.**

Barnett seconded the motion and it carried unanimously.

### **LEGAL/DISCIPLINE COGNIZANT CASES REPORT**

(RNI=Registered Nurse Investigative Case Number)

Rowe moved to ratify the Cognizant's' recommendations and to close the following complaints:

<b>RNI130607/ RNI130608</b>	<b>RNI130591</b>	<b>RNI120654</b>	<b>RNI140076</b>	<b>RNI140033</b>	<b>RNI130627</b>
<b>RNI130196/ RNI130270</b>	<b>RNI140134</b>	<b>RNI140257</b>	<b>RNI140495</b>	<b>RNI140129</b>	<b>RNI140040</b>
<b>RNI130215</b>	<b>RNI140109</b>	<b>RNI140103</b>	<b>RNI130490</b>	<b>RNI13053</b>	<b>RNI110461</b>
<b>RNI130464</b>	<b>RNI111012</b>	<b>RNI130595</b>	<b>RNI110630</b>	<b>RNI120354</b>	<b>RNI130209</b>
<b>RNI130325</b>	<b>RNI130075</b>	<b>RNI140066</b>	<b>RNI130449</b>	<b>RNI120752</b>	<b>RNI130516</b>
<b>RNI100656</b>	<b>RNI130017</b>	<b>RNI120674</b>	<b>RNI130246</b>		

Barnett seconded the motion and it carried unanimously.

There being no further business, the meeting adjourned March 19, 2014 at 6:00 p.m.

### **THURSDAY, MARCH 20, 2014**

#### **MEMBERS PRESENT**

Barry Cranfill, RN, CRNA, MHS, MBA, FAAPM, President  
Nancy Barton, MSN, RN  
Tammy Burdeaux, RN, BSN, CRNI (via teleconference)  
Katherine Mann, RN, CRNA  
Brenda Rowe, JD, MN, RN  
Ashley Barnett, Consumer



## **STAFF PRESENT**

James Cleghorn, Executive Director  
Amelia Baker, JD, Assistant Attorney General  
Patricia McAfee, RN, MSN, Nursing Consultant - Legal/Discipline  
Adrienne Price, RN, MSN, Nursing Consultant - Legal/Discipline

## **VISITORS PRESENT (During Executive Session, Visitors are excused unless scheduled for personal appearances)**

Dana Roessler    Kathy Klarie    Alana Waters    Debbie Hackman-Bartlett  
Martha Anders    Teresa Coleman    Beth Marquez    Leila McKinney

Cranfill called the meeting to order at 8:30 a.m. on Thursday, March 20, 2014. A quorum to conduct disciplinary matters was present.

## **EXECUTIVE SESSION**

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## **APPROVAL OF BOARD MINUTES**

Barton moved to accept the January 15-16, 2014 Executive Session Board meeting minutes as amended. Barnett seconded the motion and it carried unanimously.

Barton moved to accept the January 15-16, 2014 Board meeting minutes as amended. Burdeaux seconded the motion and it carried unanimously.

Barton moved to accept the February 18, 2014 Executive Session Board meeting minutes as amended. Rowe seconded the motion and it carried unanimously.

Barton moved to accept the February 18, 2014 Board meeting minutes as amended. Mann seconded the motion and it carried unanimously.

## **PROPOSED RULE 410-9-.01**

Barton moved to adopt the proposed changes to Rule 410-9-.01. Barnett seconded the motion and it carried unanimously.

## **410-9-.01 RENEWAL OF LICENSE.**

(1) Licenses shall expire according to the rules of the Joint Secretary, State Examining Boards, Rule 295-2-.05, Licenses Expiring January 31 – Even Years and Rule 295-2-.12, Licenses Expiring January 31 – Odd Years.

(2) Completed license renewal applications, accompanied by the required fee, shall be submitted by the posted deadline.

(3) Registered nurse employers shall not permit anyone to practice as a registered professional nurse without evidence of a current license or temporary permit after February 1 after the license expires. The Georgia Board of Nursing’s website shall be considered the primary source of verification for licensed individuals.

(4) Licensees may obtain a late renewal of their license during the one month period immediately following the expiration date. The late renewal period ends on the last day of February. A registered nurse may not practice nursing after the expiration date of his or her license.

(5) Each licensee shall notify the Board within thirty (30) days, in writing, of all changes to name, address or email address.

Burdeaux moved that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as required by O.C.G.A. § 50-13-4. Mann seconded the motion and it carried unanimously.

## **RENEWAL AND BUDGET DISCUSSION**

Lisa Durden, Division Director of the Professional Licensing Boards Division appeared before the Board to discuss the 2014 renewal issues. Rowe provided background information to the visitors regarding the information heard by the Board during the previous day. Rowe discussed the information she received from nurses who were participating in the Legislative Day hosted by the Georgia Nurses Association. Rowe noted that the Board was not provided with information regarding the renewal problems and the incorrectly lapsed licenses until the afternoon of Wednesday, March 5.

Ms. Durden acknowledged that a technical error did occur that caused some licenses to lapse. She noted that the Office of the Secretary of State had taken steps to rectify the error and to prevent it from occurring during future renewal cycles. Ms. Durden noted that she had communicated with the Georgia Nurses Association acknowledging the error. Ms. Durden stated that any nurses or facilities impacted by the error should contact the Professional Licensing Boards Division. Ms. Durden stated that the Professional Licensing Boards Division would begin the process of obtaining the affidavits of citizenship from licensees within the next few weeks. Ms. Durden apologized on behalf of the Office of the Secretary of State for the error and acknowledged that the error caused a loss of resources at impacted health care facilities. Ms. Durden stated that the Office of the Secretary of State accepted full responsibility for the error.

The Board recognized Debbie Hackman-Bartlett, Chief Executive Office of the Georgia Nurses Association. Ms. Hackman-Bartlett inquired whether multiple renewal issues occurred or if the problem was only related to the affidavit of citizenship. Ms. Durden stated that the error was related solely to the affidavit of citizenship. Ms. Hackman-Bartlett inquired whether the process would be amended for future renewal cycles. Ms. Durden stated that the Office of the Secretary of State hopes to have all required affidavits prior to the renewal cycle. Ms. Hackman-Bartlett stated that the Georgia Nurses Association would be willing to help disseminate information to nurses regarding the process. Ms. Durden stated that information would be provided to the Georgia Nurses Association once a plan had been confirmed.

Rowe stated that it was very clear that the Board and the Professional Licensing Boards Division would be unable to work together effectively unless clear communication was provided in a timely fashion. Rowe stated that the Board operated for two weeks under a false assumption because complete information was not provided by the Office of the Secretary of State.

Mann reminded licensees that they should be mindful of submitting all required documentation and ensuring that the license renewal was completed prior to the deadline. She also referenced the lengthy wait times for licensees to reach PLB Call Center operators. Ms. Durden stated that the Office of the Secretary of State was addressing the long wait times.

The Board recognized Ms. Hackman-Bartlett for discussion regarding the PLB Call Center. Ms. Hackman-Bartlett discussed possible innovations to make the PLB Call Center more efficient and effective. Ms. Durden stated that the Office of the Secretary of State was currently discussing potential options with the call center software vendor. Ms. Durden stressed that budget cuts had severely impacted the PLB Call Center's ability to provide adequate service to licensees. Rowe referenced the fact that the Georgia Board of Nursing comprises the largest licensed population at the Professional Licensing Boards Division and inquired whether it would be appropriate for call center agents to be dedicated to the Georgia Board of Nursing. Board members discussed the frequent complaints of licensees and stakeholders who wait on hold for lengthy periods of time and then received incorrect or unhelpful information. It was noted that having call center staff members dedicated to the Board of Nursing would provide an opportunity for advanced and specific training for those operators. Ms. Durden stated that she would pass the Board's comments along to the Call Center manager.

Rowe thanked the Georgia Nurses Association and others for their lobbying efforts on behalf of the nursing profession and the Board. It was noted that many interested parties had been pushing for a mandatory reporting law for some time. Rowe explained that the mandatory reporting law was passed during the 2013 legislative session but was not funded at that time. She noted that the intense energy had been dedicated to securing the necessary funding during the 2014 legislative session. Ms. Durden stated that the Office of the Secretary of State understood the urgency of need for the implementation of House Bill 315 (mandatory reporting). Ms. Durden noted that the budget bill had passed two days previously and that there were still many questions about the funding and how it would be handled. Ms. Durden stated that as of February 28, 2014, the Professional Licensing Boards Division had \$1,005,688 in

retained revenue. She noted that retained revenue was money collected from many different professions and licensees and that the money is typically used for services that are beneficial to all boards.

Rowe stated that she understood that House Bill 744 (budge bill) was very specific that the funding for House Bill 315 (mandatory reporting) was to be spent to implement mandatory reporting and that it could not be used for the general operating expenses of the Professional Licensing Boards. Ms. Durden stated that the Office of the Secretary of State would be scheduling a meeting with the Office of Planning and Budget to find out the specifics of how the funding was to be utilized. Ms. Durden stated that no new positions would be posted for the Georgia Board of Nursing until at least July 1 when the funding was made available. Rowe recognized Debbie Hackman-Bartlett to speak to the Georgia Nursing Association's view of the issue.

Ms. Hackman-Bartlett stated that the Georgia Nurses Association was clear that the General Assembly specifically and prescriptively appropriated the funding for the Georgia Board of Nursing to implement House Bill 315 (mandatory reporting). Ms. Hackman-Bartlett stated that it was emphatically clear that the funding was not to be used for the operating expenses of the Professional Licensing Boards Division. She stated that the Georgia Nurses Association would look to Secretary Kemp for full disclosure and transparency in how the money was utilized. Ms. Hackman-Bartlett stated that she understood that some of the funds were to be spent during FY2014 and that the remaining funds were to be spent in FY2015. Board members discussed that a different timeline would need to be in place if some funds were to be spent prior to June 30, 2013. Ms. Hackman-Bartlett stated that Secretary Kemp would need to provide clarification regarding funds that were to be spent during the remainder of FY2014. Ms. Hackman-Bartlett reiterated that the Georgia Nurses Association and other stakeholders would look to Secretary Kemp to provide full disclosure and transparency on how the funding was utilized. She stated that if it did not occur, a major lobbying effort would be made to move the Georgia Board of Nursing from within the Professional Licensing Boards Division. Ms. Durden stated that it was still early and that Secretary Kemp would need to meet with the Office of Planning and Budget to discuss the budget bill and that more information would be available in the future.

The Board recognized Dr. Leila McKinney, President, Chamberlain College of Nursing. Dr. McKinney discussed conversations with Senator Albers about how woefully understaffed the Georgia Board of Nursing was. Dr. McKinney stated that Senator Albers and his colleagues were unaware of the Board's current state. Dr. McKinney stated that Senator Albers and the General Assembly were very clear and specific regarding the funding for House Bill 315 (mandatory reporting).

Rowe discussed the difficulties that nursing programs in Georgia had faced due to the absence of a full-time nursing education consultant. Rowe noted the March 20, 2014 article in the Atlanta Journal Constitution about the funding for mandatory reporting. She stated that the law had been "turned on" by the funding. The Board discussed that the number of complaints would begin increasing significantly with the law being effective. Board members expressed concern that the influx of complaints would only add to the current backlog unless additional staff resources were provided quickly.

Barton asked Ms. Durden if it was possible to hire temporary employees immediately and then transition them to full time employees after July 1. Ms. Durden agreed to seek an answer from the Office of the Secretary of State.

## **EDUCATION REPORT**

Barton moved to place Brenau College and Shorter University on conditional approval in accordance with Rule 410-3-.02(3). Burdeaux seconded the motion and it carried unanimously

### **Georgia Southern University**

Barnett moved to continue full approval to Georgia Southern University through December 2015. Mann seconded the motion and it carried unanimously.

### **Chamberlain College of Nursing**

Barton moved to continue initial approval to Chamberlain College of Nursing pending graduation of the first class. Mann seconded the motion and it carried unanimously.

### **Southeastern Technical College**

Barnett moved to give initial approval to Southeastern Technical College pending the completion of a successful site visit. Burdeaux seconded the motion and it carried unanimously.

## **Georgia Regents University**

Barton moved to approve the reported change in leadership at Georgia Regents University. Mann seconded the motion and it carried unanimously.

## **Augusta Technical College**

Burdeaux moved to approve the reported change in leadership at Augusta Technical College. Barnett seconded the motion and it carried unanimously.

## **Columbus Technical College**

Barton moved to approve the reported change in leadership at Columbus Technical College. Mann seconded the motion and it carried unanimously.

## **Piedmont College**

Barton moved to continue full approval to Piedmont College pending the receipt of the accreditation site visit reports. The Board may extend the approval upon receipt of the reports. Burdeaux seconded the motion and it carried unanimously.

## **EXECUTIVE DIRECTOR'S REPORT**

Mr. Cleghorn reported on the following administrative items:

- Status report on applications and complaints/compliance for January 2014 and February 2014
- NURSYS/E-Notify Update
- NCSBN 2014 Annual Delegate Assembly
- Staff Update
- Board Merger
- MPE Requirements
- Board Vacancies
- Active Renewal Pending Status
- Georgia Health Care Association

## **POLICIES**

Mann moved to adopt changes to policy 1.13. Burdeaux seconded the motion and it carried unanimously.

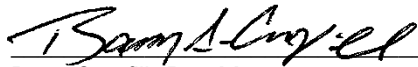
## **PETITION WAIVER – SANDRA JEAN DAVIS**

Mann moved to deny request for a waiver based on failure to meet statutory requirement regarding documentation of undue hardship caused by the rule. Burdeaux seconded the motion and it carried unanimously.

## **APPLICATION REVIEWS AND APPROVAL OF LICENSURE**

Mann moved, Barnett seconded and the Board voted to approve applications for licensure and advanced practice authorization for the months of January 2014 through February 2014 that were determined, pursuant to Board approved guidelines, to have met licensure/authorization requirements.

There being no further business, the meeting adjourned March 20, 2014 at 3:00 p.m.



Barry Cranfill, **President**



James Cleghorn, **Executive Director**